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3 NOV 1978

MEMORANDUM FOR: Chairman, Markings Task Force

FROM:

[REDACTED]
DDA Representative, Markings Task Force

SUBJECT: Control Markings

1. The Markings Task Force has been discussing the discontinuation of the control marking, "Administrative - Internal Use Only." The arguments for doing away with it are substantial:

- a. It has been misused a great deal; and
- b. The safeguarding sanctions are not clearly defined.

2. I have discussed the use and need of such a marking with a number of people throughout the DDA. There is a need to protect internal Agency information which if released might be misused or be misleading. These papers include:

- a. Management options and recommendations; and
- b. Administrative planning and procedures.

3. Discussion for the need to have a positive indicator to alert employees that a document contains such information has been lively and interesting. Some of the arguments for and against include:

- a. Some people feel if a piece of paper is not marked, employees will/may take it home and discuss the contents freely.
- b. Unclassified government information doesn't need to be marked as it is U.S. Government property and all employees should be aware of this and handle all such material as prescribed by regulations and law.

UNCLASSIFIED When Separated
From Enclosure

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c. What about HR [] (attached), "Care and Use of Official Data"? This regulation is under review for revision as the current definition of "Official Data" includes all overt material received by the CIA, including the New York Times, library books, etc. Those reviewing the regulation are having problems coming to grips with the definition.

4. In order to provide proper control over Agency internal documents, I suggest we do one of two things:

a. Write a proper definition of "Official Data" and get the regulation out to all employees. If a component is concerned they may indicate on a document "Official Data - Internal Use Only;" or

b. Develop a new control marking for documents which

(1) reflect opinion or recommendations for management policy; or

(2) administrative procedures.

5. The first option appeals as HR [] spells out control of information in general. Sanctions are provided whether the information is marked or not.

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6. The second option implies a new marking with a new definition. We suggest "Agency Restricted" as a marking to meet this need. This could be defined as:

Information prepared by Agency personnel or consultants, such as that pertaining to opinions, recommendations, interpretations, plans or internal procedures, the disclosure of which could prejudice, hinder or deter the Agency from carrying out essential management or administrative functions.

7. The intent is (1) to ensure that such information is only released to the public through authorized channels and (2) to provide an environment conducive to the uninhibited exchange of ideas. Sanctions for the improper use of an unclassified document should follow those for unauthorized release. (There is opposition to giving a control marking

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to documents containing national security information. We have been relying on the classification to control these papers. I submit that even after classifications are no longer valid, the internal nature of some of these documents will remain.)

8. In summary, we need at least ^{to} provide a positive indicator to control the dissemination of unclassified management information and administrative procedures.

Signed

[Redacted Signature Box]

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Attachment: a/s

cc: DDO/PCS

NFAC/P&PG

DDS&T

OGC

DDA/OS

ISAS/RAB

ISAS/RAB

[Redacted Distribution List]

AAI/DDA: [Redacted] ydc (3 Nov 78)

Distribution:

Original - Addressee w/att

1 - Each cc addressee w/att

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SECURITY

- c. **STATUTORY REFERENCES.** Sections 793, 794, and 798, Title 18 of United States Code prohibit certain activities with respect to defense information and provide penalties for violation. Section 793 provides generally that persons who lose defense information without reporting such loss, or gather or transmit defense information with the intent or with reason to believe such information will be used to the injury of the United States or to the advantage of any foreign nation are subject to a fine of \$10,000 or 10 years imprisonment or both. Section 794 provides generally that persons who communicate or deliver or attempt to communicate or deliver defense information to any foreign government with intent or reason to believe such information will be used to the injury of the United States or to the advantage of a foreign government are subject to imprisonment for not more than 20 years. If this statute is violated during wartime, the punishment is death or imprisonment for not more than 30 years. Both sections 793 and 794 provide like penalties for a conviction of conspiracy to violate either section. Section 798 provides generally that persons who communicate or otherwise make available to an unauthorized person or publisher, or use in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government any classified information relating to cryptography or communications intelligence are subject to a fine of \$10,000 or 20 years imprisonment or both.